

REMARKS

The Examiner identified four inventions:

- I. Claims 4 and 16 relate to a method for treating leakage with endostatin;
- II. Claims 5-8, 17-22, 24-42, 46 and 47 are drawn to a method for treating leakage with a nucleic acid encoding endostatin;
- III. Claims 9-15, 23 and 48 relate to a method for treating leakage using cells secreting endostatin; and
- IV. Claims 43-45 are drawn to a method for making endostatin.

The Examiner indicated that claims 1-3 are generic to inventions I-III. Should any one of the linking claims be found allowable, the restriction will be collapsed and any claims depending on the allowed claim(s) presented prior to final rejection will be rejoined and examined.

Applicants elect the invention of Group II.

Applicants believe that claims 24-26, which depend on claim 9 relating to microcapsules, should be allocated to Group III.

If Group II is elected, the Examiner requested one of an adenovirus, AAV, retrovirus or lentivirus be elected.

Applicants elect lentivirus.

Claims 1-3, 5, 6, 21 and 27-42 read on the elected lentivirus species.

According to the Examiner, the invention of Group I is anticipated by WO02/30982.

To the contrary, that publication teaches a combination treatment rather than use of endostatin alone and there is no mention of treating an ocular edema. Hence, that published PCT application does not anticipate the claimed inventions.

CONCLUSION

Favorable consideration and early indication of allowance are solicited earnestly. If any questions remain, the Examiner is requested respectfully to contact the undersigned at the local exchange noted hereinbelow.

Respectfully submitted,

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